

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 4:20-cv-00957-SDJ

EXHIBIT B

PLAINTIFF STATES' RESPONSE TO GOOGLE'S THIRD BRIEF TO THE SPECIAL MASTER



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Sent via Electronic Mail

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Re: Plaintiff States' Response to Google's January 25, 2024 Deficiency Letters

Dear Counsel:

As promised, Plaintiff States are providing a more fulsome response to Google's 17 separate letters regarding purported deficiencies in Plaintiff States' discovery responses sent by Google on January 25, 2024. On February 7, 2024, Plaintiff States provided Google with a letter addressing issues raised by Google that were common to most if not all Plaintiff States. Primarily those common issues concerned Plaintiff States' Third Amended Response to Google's First Set of Interrogatories (the "Third Am. R&Os"). As you know, yesterday, February 14, 2024, the Plaintiff States served Google with Plaintiff States' Fourth Amended Response to Google's First Set of Interrogatories (the "Fourth Am. R&Os"). The Fourth Am. ROG Response address the issues raised as common to all Plaintiff States.

This letter addresses the purported deficiencies raised by Google's January 25, 2024 letters that were not common to all Plaintiff States. To the extent a Plaintiff State elects to have a supplemental response to a particular request identified by Google as deficient, each Plaintiff State does so in this response. The Plaintiff States reserve the right to supplement their response to Google's deficiency letters, if necessary. Nothing in this letter should be construed to waive any general or specific objection set forth in Plaintiff States' discovery responses, nor constitute a waiver of any defense available to any Plaintiff State.

As to each Request for Production and Interrogatory to which Google argued that a Plaintiff State has provided an allegedly deficient response, the Plaintiff States collectively, and individual States (as applicable), respond as follows:



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March 14, 2023 R&Os to Google's First Requests for Production. States that have document retention policies have produced them or identified a link where Google can obtain them. Notwithstanding this position, and subject to and without waiving the March 14, 2023 R&Os, Plaintiff States North Dakota and Utah provide the following supplemental response:

- The State of North Dakota's records retention schedules can also be found at <https://apps.nd.gov/itd/recmgmt/rm/recSer/retention.pdf>.
- The document retention policies for all Utah state agencies are publicly available and searchable at [Retention Schedules \(utah.gov\)](https://utah.gov/records). Specific retention schedules for the Division of Consumer Protection are available at the same website at [Records Data \(utah.gov\)](https://utah.gov/records). Likewise, retention policies specific to the Utah Office of the Attorney General are available at the same website at [Records Data \(utah.gov\)](https://utah.gov/records).

RFP No. 13: Requests all documents concerning Your state's use of Ad Tech Products or Display Advertising, including the use of Ad Tech Products or Display Advertising by each agency, department, entity, or division of Your state (including the office of the Attorney General) during the Relevant Period. Google specifically identifies Louisiana as being deficient on this request.³ The Plaintiff States restate and maintain the objections to this RFP as set forth in their March 14, 2023 R&Os to Google's First Requests for Production. In particular, Plaintiff States object to this request to the extent it requires them to produce documents that are not in a state's possession custody or control. Google can obtain such documents directly from state agencies that are not parties to this litigation. To the extent that any Plaintiff State's Office of the Attorney General uses Ad Tech Products or Display Advertising non-privileged responsive documents have been produced.

RFP No. 14: Requests Contracts and Terms of Service for each Google Ad Tech Product used during the Relevant Period and all communications concerning those contracts and Terms of Service. Google specifically identifies Arkansas, Indiana, Kentucky, and Louisiana⁴ as being deficient in responding to this request. The Plaintiff States restate and maintain the objections to this RFP as set forth in their March 14, 2023 R&Os to Google's First Requests for Production. The Plaintiff States further respond that no individual state is deficient in their document production in response to this RFP. Notwithstanding this position, and subject to and without waiving the March 14, 2023 R&Os, the Commonwealth of Kentucky submits the following supplemental response:

³ See fn. 1 re: Louisiana's Feb. 14 production.

⁴ See fn. 1 re: Louisiana's Feb. 14 production.